

LAW OFFICE OF
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SUITE 401
EAST ORANGE, NEW JERSEY 07017

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November 1, 2019

Clerk of the Court
United States District Court of New Jersey
Dr. Martin Luther King, Jr. Bldg.
50 Walnut Street
Newark, New Jersey 07102

RE: Wiley v. City of Jersey City, et al.
Civil Action No:

Dear Clerk of the Court:

Enclosed please find Plaintiff's Complaint and Jury Demand in the above referenced matter. Please file accordingly.

Thank you for your time and your cooperation.

Very truly yours,



Christopher C. Roberts, Esq.

Enclosure

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Dan Wiley

(b) County of Residence of First Listed Plaintiff **Hudson**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher C. Roberts, 7 Glenwood ave. Ste. 401, East Orange, Nj
973-673-0600**DEFENDANTS**City of Jersey City, amrk Bunbury, Arthur Williams, John Does (1-10),
jane Does (1-10), ABC Corp. (1-10), ABC, LLC (1-10)County of Residence of First Listed Defendant **Hudson**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Stat Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care - Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 850 Securities Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer. w Disabilities - Employment <input type="checkbox"/> 446 Amer. w Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Age Discrimination in Employment 29 U.S.C. sections 621-634

Brief description of cause:

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
 500,000.00

 CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No
VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/02/2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Christopher C. Roberts (#001351995)
Attorney at Law
7 Glenwood Avenue, Suite 401
East Orange, New Jersey
(973)-673-0600
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

Dan Wiley.,
Plaintiff

Civil Action No.

v.

COMPLAINT AND JURY DEMAND

City of Jersey City, Mark Bunbury,
Arthur Williams, John Does (1-10), Jane Does (1-10),
ABC Corporations (1-10), ABC, LLC
(1-10), ABC LLP (1-10), JOINTLY,
SEVERALLY, INDIVIDUALLY

Defendants.

Plaintiff Dan Wiley residing in the City of Jersey City, County of Hudson, State of New Jersey, complaining of defendants City of Jersey City, Mark Bunbury, Arthur Williams, located at 280 Grove Street, Jersey City, NJ 08807, alleges as follows:

JURISDICTION AND VENUE

1. This is an action for relief from employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), the New Jersey Law Against Discrimination and the Age Discrimination in Employment Act (ADEA) of 1967, 29

U.S.C. sections 621-634, 42 U.S.C. sections, 1983 and 1985, Family Medical Leave Act
29 U.S.C.A. section 2601

2. The amount in controversy is greater than \$75,000.00.
3. Venue is proper under 28 U.S.C. section 1391(a) in the United States District of New Jersey because defendants' activities transpired in this district.

PARTIES

4. At all relevant times, Defendant City of Jersey City (hereafter "City") was and is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business located at 280 Grove Street, Jersey City, New Jersey 07302.
5. At all relevant times, Defendant Mark Bunbury was in the employ of defendant "City" whose location is at 280 Grove Street, Jersey City, State of New Jersey. At all relevant times, Defendant Mark Bunbury was the agent, employee, representative, servant of defendant "City".
6. At all relevant times, Defendant Arthur Williams was in the employ of defendant "City" whose location is at 280 Grove Street, Jersey City, State of New Jersey. At all relevant times, Defendant Arthur Williams was the agent, employee, representative, servant of defendant "City".
7. At all relevant times, defendants John Does (1-10), Jane Does (1-10), ABC Corporation (1-10), ABC, LLC (1-10), ABC LLP (1-10), were in the employ of defendant "City" whose location is at 280 Grove Street, Jersey City, State of New Jersey. At all relevant times, defendants John Does(1-10), Jane Does (1-10), ABC Corporation (1-10), ABC, LLC (1-10), ABC LLP (1-10), were the agents, employees, representatives, servants of defendant "City".

FACTS COMMON TO ALL CLAIMS

1. This is an action for relief from employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), the New Jersey Law Against Discrimination and the Age Discrimination in Employment Act (ADEA) of 1967, 29 U.S.C. sections 621-634.
2. Upon information and belief, Plaintiff Dan Wiley alleges that Defendants City of Jersey City, Mark Bunbury and Arthur Williams and John (or Jane) Does 1-10, all of whose true names are unknown (collectively, “Defendants”), unlawfully discriminated against them on the basis of his age, gender/sex, disability association, and harassed him on those bases and retaliated against him.
3. Upon information and belief, Plaintiff further alleges that Defendants’ policies, practices, and decisions had a disparate impact upon him.
4. Upon information and belief, Plaintiff seek injunctive and declaratory relief, compensatory damages, punitive damages, liquidated damages, and reasonable attorneys’ fees and costs as remedies for Defendants’ violations of his rights.
5. Upon information and belief, Plaintiff timely filed charges of discrimination with the United States Equal Employment Opportunity Commission (“EEOC”) in or about November 2018.
6. Upon information and belief, on or about June 21, 2019, the EEOC made a Final Determination by EEOC Area Director John Waldinger, finding that Plaintiff was subjected to severe and pervasive hostile work environment, harassment, differential treatment and adverse employment terms and conditions and retaliation based on his age and on disability.

7. Upon information and belief, on or around, the EEOC issued Plaintiff a Notice of Right to Sue on or about September 10, 2019.
8. Upon information and belief, Plaintiff has timely filed this action and have complied with all administrative prerequisites to bring this lawsuit.
9. Upon information and belief, Plaintiff is a black man over the age 40, born in 1952, thus making him approximately 67 years old.
10. Upon information and belief, Plaintiff has been employed as a Senior Program Analyst with the City of Jersey City Department of Recreation since 2003.
11. Upon information and belief, in or about January 2018, Plaintiff has been a target of discrimination by his supervisor Arthur Williams.
12. Upon information and belief, in or about 2018, Defendant Arthur Williams removed Plaintiff from most of his duties as a Senior Program Analyst and gave said duties to a younger employer. When Plaintiff complained of having his duties stripped, Defendant Arthur Williams had Plaintiff transferred from Caven Point to another location at Pershing Field which was farther away from home where Plaintiff's disabled wife was situated and Plaintiff is his wife's caregiver who needed to be close to his home to provide wellness checks for her during the day on his lunch breaks or be accessible if she has any medical emergency.
13. Upon information and belief, Plaintiff's FMLA status allowed him to respond to any home situation related to Plaintiff's wife's healthcare with a required frequency of 3 times a week up to 4 hours or a full day per episode.
14. Upon information and belief, in or about 2018, Plaintiff complained to Defendants including Defendant Mark Bunbury who is the Human Resources Director, several times

that the longer commute from his new location impacted the ability to care for his disabled wife and has complained about Defendant Williams discriminatory treatment and Defendants Williams, Bunbury, John Does (1-10), Jane Does (1-10), ABC Corp. (1-10) ignored his complaints.

15. Upon information and belief, in or about 2018, Defendant Williams in response to Plaintiff's complaint regarding the lengthy commute from his new location, told Plaintiff "If you want to be closer to your wife, you can retire."
16. Upon information and belief, in or about 2018, Defendant Arthur Williams in the presence of his secretary Tara Vanterpool, stated on multiple occasions that Plaintiff Dan Wiley was "too old to work in recreation" and "the children need to have someone younger to be on the field with them."
17. Upon information and belief, in or about 2018, Defendant Arthur Williams would follow Plaintiff in a city owned vehicle when Plaintiff traveled to work on a day of FMLA usage after canning in at Caven Point.
18. Upon information and belief, on or about June 16, 2019 Defendants City of Jersey City, Mark Bunbury and Arthur Williams John Does (1-10), Jane Does (1-10), ABC Corporations (1-10), ABC, LLC(1-10), ABC LLP (1-10), were responsible for a reorganization of the Department of Recreation which includes the elimination of Plaintiff's Senior Program Analyst position thus forcing Plaintiff to apply for a position in the Department of Recreation which he is already assigned. Such conduct appears to be in retaliation for Plaintiff's complaints of discrimination and said reorganization appears to be in violation of Civil Service protections afforded to Plaintiff.
19. Upon information and belief, Defendant(s) Mark Bunbury, Arthur Williams, John Does (1-10), Jane Does (1-10), ABC Corporations (1-10), ABC, LLC(1-10), ABC LLP (1-10), aided

and abetted the discriminatory treatment against Plaintiff.

COUNT ONE

(NEW JERSEY LAW AGAINST DISCRIMINATION N.J.S.A. 10:5-1 et seq.)

1. Plaintiff refers to the allegations set forth in the Facts Common to All Claims and by such reference repleads and incorporates them as though fully set forth herein.
2. Defendants' conduct as alleged in this complaint constitutes an unlawful employment practice, disparate treatment, hostile work environment, based on age, gender, sex, association disability discrimination, disability discrimination, retaliation, in violation of the New Jersey Law Against Discrimination 10:5-1 et seq.
3. As a direct, foreseeable and proximate result of defendants' discriminatory acts, Plaintiff has suffered and continues to suffer substantial losses in earnings and benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, discomfort, pain and suffering

COUNT TWO

(VIOLATION of AGE DISCRIMINATION in EMPLOYMENT ACT 29 U.S.C. sections 621-634)

1. Plaintiff refers to the allegations set forth in the Facts Common to All Claims and Count One and by such reference repleads and incorporates them as though fully set forth herein.
2. Defendants' conduct as alleged in this complaint constitutes an unlawful employment practice, disparate treatment, hostile work environment based on age in violation of the Age Discrimination in Employment Act, 29 U.S.C. sections 621-634

3. In addition to its direct liability, the Defendant City of Jersey City is also vicariously responsible for the actions of Mark Bunbury, Arthur Williams, its agents or employees, by way of the doctrine of respondeat superior.
4. As a direct, foreseeable and proximate result of defendants' discriminatory acts, Plaintiff has suffered and continues to suffer substantial losses in earnings and benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, discomfort, pain and suffering

COUNT THREE

RETALIATION in VIOLATION of TITLE VII of the CIVIL RIGHTS ACT OF 1964, 42 U.S.C. sec. 2000e- (a)

1. Plaintiff refers to the allegations set forth in the Facts Common to All Claims and Counts One and Two and by such reference repleads and incorporates them as though fully set forth herein.
2. Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, prohibits employers from discriminating against an employee "because he has opposed any practice made an unlawful employment practice by this subchapter." 42 U.S.C. § 2000e-3(a).
3. Plaintiffs made informal and formal complaints to Defendants' agents and employees opposing Defendants' unlawful, discriminatory employment practices based on gender/sex.
4. Defendants' adverse actions constituted retaliatory workplace harassment.
5. Defendants' retaliatory actions were sufficient to deter a reasonable person from engaging in protected activity under Title VII.
6. As a direct, legal and proximate result of Defendants' retaliation, Plaintiffs have sustained,

and will continue to sustain, economic and emotional injuries, resulting in damages.

COUNT FOUR

(VIOLATION of 42 U.S.C. sections, 1983 and 1985)

1. Plaintiff refers to the allegations set forth in the Facts Common to All Claims and Counts One, Two and Three and by such reference repleads and incorporates them as though fully set forth herein.
2. Plaintiff repeats the aforementioned allegations as though fully set forth herein.
3. By the defendants' actions as foresaid and acting with deliberate indifference to Plaintiff's constitutional rights, the defendants violated Plaintiff's rights including but not limited to his right to Due Process under the Fifth and Fourteenth Amendments to the United States Constitution, 42, U.S.C. sections 1983 and 1985 as well as his free speech and associational rights under the First Amendment to the United States Constitution, which violations were made by an official decision or decisions made under color of law by one or more individuals vested with authority, actual and/or implied, to make such decisions for a public body of the State of New Jersey.
4. In addition to its direct liability, the Defendant City of Jersey City is also vicariously responsible for the actions of Arthur Williams, Mark Bunburry, its agents or employees, by way of the doctrine of respondeat superior.
5. As a direct, foreseeable, and proximate result of defendants' discriminatory acts, plaintiff has suffered and continues to suffer substantial losses in earnings and job benefits and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress and discomfort.

(FIFTH COUNT)

(VIOLATION OF FAMILY MEDICAL LEAVE ACT 29 U.S.C.A. section 2601)

1. Plaintiff refers to the allegations set forth in the First, Second, Third and Fourth Counts above and by such reference repleads and incorporates them as though fully set forth herein.
2. Upon information and belief, Defendant City of Jersey City is an employer of at least 50 people.
3. Defendant City of Jersey City interfered with, retaliated against, restrained and/or denied Plaintiff protection afforded under the Family Medical Leave Acts by discriminating and/or retaliating against plaintiff, by not protecting his job security and obstructing the care for Plaintiff's wife, because he exercised his rights under FMLA 29 U.S.C.A. section 2601, et seq.
4. As a proximate cause of defendants' conduct, plaintiff has suffered and continues to suffer substantial losses in earnings, retirement benefits and other employee benefits that plaintiff would have received had defendants not violated plaintiff's rights under the FMLA.
5. As a further proximate result of the above-mentioned acts, plaintiff has suffered economic losses, humiliation, mental pain and anguish.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Dan Wiley prays for Judgment against all Defendants, individually, jointly, severally and each of them for all aforementioned claims, for the following injunctive and monetary relief as follows:

1. An order compelling Defendants to take prompt appropriate and effective corrective measures, including those that effect all supervisors and personnel, to prevent abuse, harassment, bullying and discrimination complained of in this Complaint by any employee, agent, and/or representative toward any member of the City of Jersey City Hall community.
2. An order enjoining Defendants from taking retaliatory action of any type against any employees for reporting to or objecting to Defendants' improper activities, policies, and/or practices believed to be in violation of contract, law, rule, and/or regulation promulgated pursuant to law.
3. Any other prospective injunctive relief that the Court deems just and appropriate
4. For compensatory damages including but not limited to lost wages and benefits, and emotional distress damages
5. For reasonable attorneys' fees and costs of suit pursuant to 42 U.S.C. sec. 2000e-5(k), New Jersey Law Against Discrimination sec. 10:5-27.1, and other laws; and
6. Punitive damages
7. Pain and suffering
8. Attorney fees and costs, plus interest
9. For such other and further relief as the Court deems proper.

DEMAND FOR A JURY TRIAL

Plaintiff demands a trial by jury on all issues.

A handwritten signature in dark ink, appearing to read "C. Roberts", is written over a horizontal line.

By: _____

Christopher C. Roberts, Esq.
7 Glenwood Avenue, Suite 401
East Orange, NJ 070107
(973)-673-0600

Dated: November 2, 2019